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**FOR IMMEDIATE RELEASE**

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**Prosecuting Attorney Mat Heck, Jr. Files Lawsuits Against  
Opioid Manufacturers and Distributors**

**DAYTON, OH (07/25/2018)** – Prosecuting Attorney Mat Heck, Jr., and the Chief of the Prosecuting Attorney’s Civil Division, Mary Montgomery, announced that two lawsuits were filed today against opioid manufacturers and distributors, asserting claims related to the deceptive marketing, prescribing, distribution and sale of opioids in Montgomery County.

“Sadly, as our citizens know, Montgomery County has been in far too many national news stories discussing the tragic number of overdoses that have taken our citizens’ lives. Deemed the ‘Overdose Capital of America,’ citizens of every background in our community have been affected by the opioid crisis,” said Assistant Prosecutor Mary Montgomery. “Today, we have made it clear that we intend to hold those responsible accountable for the devastation they have caused in our community. We seek justice and long-term solutions to ensure current and future generations are protected from such an epidemic.”

The defendants are: Purdue Pharma L.P.; Purdue Pharma, Inc.; The Purdue Frederick Company Inc.; Teva Pharmaceuticals USA, Inc.; Cephalon, Inc.; Johnson & Johnson; Janssen Pharmaceuticals, Inc.; Ortho-McNeil-Janssen Pharmaceuticals, Inc. N/K/A Janssen Pharmaceuticals Inc.; Janssen Pharmaceutica, Inc. N/K/A Janssen Pharmaceuticals, Inc.; Endo Health Solutions Inc.; Endo Pharmaceuticals, Inc.; Mallinckdrot, LLC; SPECGX, LLC; Cardinal Health, Inc.; McKesson Corporation; AmerisourceBergen Drug Corporation; Walgreens Corporation; and Jane Does 1-50.

Prescription opioids are narcotics. They are derived from and possess properties similar to, opium and heroin, and they are regulated as controlled substances. While opioids can dampen the perception of pain, they also can create an addictive, euphoric high. Because the medical community recognized these dangers, they originally used opioids cautiously and sparingly, typically only for short-term acute pain or for relief in end-of-life care. Such brief use limited the need for escalating doses and the risk of addiction. Consequently, the market for prescription opioids was sharply constrained.

The lawsuits describes how, in order to expand their market and profits, the defendants initiated, and maintained for years, a deceptive marketing scheme that was intentionally designed to change the perception of opioids. This scheme was to permit and encourage the long-term use of opioids for widespread chronic conditions like back pain, migraines, and arthritis. Defendants used both direct marketing and advertising (by seemingly independent third parties) to spread false and misleading statements about the risks and benefits of long-term opioid use.

Compounding these harms, manufacturers and distributors turned a blind eye to suspicious orders and shipments of opioid painkillers, thereby enabling the funneling of drugs onto the black market. As increased volumes of opioids flooded Montgomery County, and other communities nationwide, increased rates of addiction, overdoses, and deaths soon followed.

### **Opioid Impact in Montgomery County:**

- In 2017, the media dubbed Montgomery County the “overdose capital of America” after the County recorded the most overdose deaths, per capita, in the United States during the first half of that year.
- According to data collected in the first six months of 2017, Montgomery County ranked second in Ohio for the highest rate of drug overdose visits to emergency rooms; five of the top ten counties were located in West Central Ohio.
- Opioid addicts are so familiar with the potential for overdose that many choose to use drugs in public places, such as gas stations, big box stores, and grocery store restrooms, where they can be found and revived.
- Rising heroin addiction and overdose rates in Montgomery County correlate with the opioid crisis as individuals often turn to heroin when they can no longer legally acquire or afford opioid painkillers. According to data from the CDC, Montgomery County had more opioid prescriptions than people each year from 2006 to 2015.
- The prescription rate remained high – 92.9 opioid prescriptions for every 100 people – (including children) in the County – in 2016.
- In just six years, from 2010 to 2016, fatal drug overdoses have claimed the lives of 1,517 people in the County; 559 people died of opioid overdoses in 2017 alone.
- In the first three months of 2018, the Montgomery County Regional Dispatch Center received 335 calls for drug overdoses.
  - The coroner has described the local morgue as “full every night.” In addition, the coroner’s office has been obliged at times to rent rooms in local funeral homes.

- The County has also had to rent refrigerated trucks, which were parked behind the morgue, to keep the overload of bodies.
- Measured over the five-year period from 2009 to 2014, Montgomery County has the second highest per capita death rate from drug overdoses in the state of Ohio.
- Since 2010, the County saw a 104% increase in the number of people who died from unintentional drug overdoses.
- In 2015, Montgomery County Emergency rooms treated 293 heroin overdoses – more than 6 times as many as in 2012.
- From January 1, 2017, to June 30, 2017, Montgomery County residents made 2,565 emergency room visits for drug overdoses – an average of 14.2 per day.

The defendants' conduct violates the Ohio Corrupt Practices Act and constitutes a public nuisance, civil conspiracy, negligence and unjust enrichment. The Ohio Corrupt Practices Act provides civil liability for the injuring of another through criminal acts. As a result, the County asserts that by increasing opioid prescriptions and use, defendants collectively fueled the opioid epidemic and significantly harmed the county and its residents.

**Specific claims asserted by the County against opioid manufacturers include:**

- Overstated the benefits of chronic opioid therapy while failing to disclose the lack of evidence supporting long-term use.
- Falsely described addiction as “pseudoaddiction” and dangerously encouraged doctors to respond by prescribing even more opioids.
- Told doctors that opioids could be taken in even higher doses without disclosing their greater risks.
- Defendants deliberately disregarded their duties to report and terminate suspicious orders and to cease supplying suspicious prescribers.

**Specific claims asserted by the County against opioid distributors include:**

- Deliberately disregarded their duties to report and terminate suspicious orders.
- Hid their lack of cooperation with law enforcement and falsely claimed to be actively working to prevent drugs from being sold on the black market.
- By increasing opioid prescription and use, defendants collectively fueled the opioid epidemic and significantly harmed the county and its residents.

Both distributor and manufacturing defendants have common law and statutory duties to provide adequate controls against the illicit sales of their products. Each Defendant is legally mandated to monitor for, report, and reject suspicious orders of controlled substances into the County. Such orders include, for example, orders of opioids that exceed reasonable volume, are of an unusual frequency, or that raise other red flags. Yet, Defendants shipped orders that they knew or should have known were being diverted or used for non-legitimate medical purposes. The distributors supplied opioids in quantities that they knew or should have known exceeded any legitimate market for opioids – even the wider market for chronic pain – and ignored red flags of suspicious orders of these drugs in Montgomery County.

We assert that the deceptive and misleading marketing of opioids by the manufacturers and the careless, even reckless, distribution of opioids into the County by the distributors correlate directly to skyrocketing addiction, overdose, and death; black markets for diverted prescription opioids; and an associated rise in heroin and fentanyl abuse by individuals who could no longer legally acquire – or simply could not afford – prescription opioids.

The suits are filed in the Court of Common Pleas, Montgomery County, Ohio. Motley Rice attorneys Linda Singer, Lisa Saltzburg, and Elizabeth Smith are Special Prosecutors in this matter.

Motley Rice attorneys gained recognition for their pioneering asbestos lawsuits, their work with the State Attorneys General in the landmark litigation against Big Tobacco, and their representation of 9/11 families in the ongoing lawsuit against terrorist financiers. The firm's dedicated team working on the opioid litigation is led by former Washington, D.C., Attorney General Linda Singer and Motley Rice co-founder Joe Rice. Motley Rice is actively working with cities, states, and counties to help combat the opioid epidemic. Santa Clara County, represented by Linda Singer, filed the first complaint in the current wave of opioid litigation in 2014. Motley Rice continues to represent Santa Clara County as well as numerous other counties, cities, townships and states in similar litigation or investigations relating to the alleged deceptive marketing of highly addictive opioid prescription painkillers. The firm also handles complex litigation in many areas of the law.

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